

IN RE: PETITION FOR SPECIAL HEARING  
W/S Freeland Road, 2048' NE  
of Middletown Road  
(2034 Freeland Road)  
6th Election District  
3rd Councilmanic District  
Joseph M. O'Neill, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-405-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the subdivision of the subject property, containing 9.553 acres, more or less, zoned R.C. 2, into two building lots containing 3.0472 acres and 4.1305 acres, more or less, and to approve the non-density transfer of 2.3752 acres, more or less, for agricultural purposes, as being in compliance with R.C. 2 regulations and Section 1A01.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, Joseph and Mary Anne O'Neill, appeared and were represented by Robert A. Hoffman, Esquire and Paul Rieger, Esquire. Also appearing and entering their appearance in the case was the Office of People's Counsel, represented by Phyllis Freidman, Esquire. Appearing as Protestants in the matter were Thomas J. Graziano and Thomas C. Bedgar who were represented by Jeffrey H. Gray, Esquire.

Testimony indicated that the subject property, known as 2034 Freeland Road, consists of 9.553 acres, more or less, zoned R.C. 2 and is improved with a brick rancher dwelling and metal building. Petitioners are desirous of subdividing the property into three parcels, known as Lots 1 and 2 and Parcel C, as depicted on Petitioner's Exhibit 1.

The history of the subject property dates back to 1976 at which time it was part of a 21.7310 acre parcel owned by Lizzetta M. Bedgar. In 1977, Mrs. Bedgar drafted a will which, upon her death, would subdivide the property and create three (3) separate parcels; the 9.553 acre parcel which is the subject of this case, a second parcel containing 6.294 acres, and a third parcel containing 5.883 acres. In 1979, while the property was owned by Mrs. Bedgar as a single 21.7310 acre parcel, the County Council passed Bill No. 178-79. This Bill decreased the number of density units for the entire parcel to only two. In 1984, Mrs. Bedgar died, and by operation of her Last Will and Testament, the property was subdivided creating the three separate parcels. The 9.553 acre parcel was left to her husband, August A. Bedgar, the 6.294 acre parcel was left to Thomas C. Bedgar, her grandson, and the third parcel containing 5.883 acres was left to Thomas J. Graziano.

Although much has happened concerning the latter two parcels, it is not necessary to delve into their history in any great detail. Suffice it to say that Mr. Graziano has successfully obtained a density unit for his 5.883 acre parcel through the reclassification process and Mr. Thomas Bedgar has been denied a building permit for his 6.294 acre parcel until such time as this case is resolved. While neither of these properties are the subject of this case, their history does have a bearing on the decision made in this matter.

Shortly after the death of August A. Bedgar on November 9, 1985, the Petitioners purchased the subject 9.553 acre parcel from his Estate by contract dated January 11, 1986. Nothing contained in this contract of sale mentioned that the 9.553 acre parcel would be conveyed in any manner other than as one single parcel. However, the 9.553 acre parcel was de-

ed to Joseph M. and Mary Anne O'Neill as three separate parcels in July, 1986. All three parcels are more particularly described on Petitioner's Exhibit 1 as Lot 1, containing 4.131 acres, Lot 2, containing 3.047 acres, and Parcel C containing 2.375 acres. Mr. O'Neill testified that he has farmed Parcel C for years, including prior to purchasing the 9.553 acres in 1986. He testified that he owns and farms an adjacent 150 acres of land, as depicted on Petitioner's Exhibit 1, and mistakenly thought Parcel C was part of his own farm. He now seeks a non-density transfer of Parcel C to his 150-acre farm.

After due consideration of the testimony and evidence presented, it is clear that the nondensity transfer of Parcel C for agricultural purposes only would further the purpose and intent of the R.C. 2 zone as those purposes and intentions are stated in Section 1A01.1A of the B.C.Z.R. As such, the request for nondensity transfer should be granted.

The Petitioners also request an additional density unit for Lot 1 of the subject 9.553 acre parcel. It should be noted that there already exists a dwelling on Lot 2, said dwelling being the original Bedgar farm house.

As previously stated, Mr. Graziano had to proceed through the reclassification process to obtain a density unit for his parcel. This was done after he was denied this request by the Zoning Commissioner and later by the Circuit Court of Baltimore County after appeals were taken. However, the fact that Mr. Graziano was able to obtain this density unit in the manner he did has no effect on the two density units applicable to the original 21.7310 acre tract. At issue is whether the last remaining density unit should be granted to Lot 1 as that lot is depicted on Petitioner's Exhibit 1.

After due consideration of the testimony and evidence presented, in the opinion of this Deputy Zoning Commissioner, the Petitioners' request for an additional density unit for Lot 1 should be denied. As previously established, the subject property was part of an original 21.7310 acre tract owned by Lizzetta M. Bedgar and contained the existing dwelling. In accordance with its R.C. 2 zoning classification, the 21.7310 acre parcel was entitled to two density units, one of which was taken by the existing dwelling on the subject 9.553 acre parcel. This left one density unit for the remaining acreage, regardless of the fact that the Last Will and Testament of Mrs. Bedgar would, at the time of her death, divide the property into three parcels. It was not until her death on January 29, 1984 that her will became effective. Therefore, the last remaining density unit belongs with the two other parcels created by the Last Will and Testament of Mrs. Bedgar. Inasmuch as Mr. Graziano obtained the right to build on his parcel through the reclassification process, it is the opinion of this Deputy Zoning Commissioner that the remaining density unit belongs with the 6.294 acre parcel owned by Thomas Bedgar.

By letter dated August 8, 1991, the Petitioners made an additional request which was not the subject of the hearing held on July 17, 1991. The Petitioners requested that the parcel containing 4.1305 acres, more or less, be transferred to their 150-acre farm along with the smaller 2.3752 acre parcel which was granted a non-density transfer pursuant to this Order. The Petitioners' request is hereby denied. In the opinion of this Deputy Zoning Commissioner, the 4.1305 acre parcel should be conveyed back to Lot 2, the parcel containing the original farm house as it existed prior to the Petitioners' subdivision of the property in 1984.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of September, 1991 that the Petition for Special Hearing to approve the subdivision of the subject property, containing 9.553 acres, more or less, zoned R.C. 2, into two building lots containing 3.0472 acres and 4.1305 acres, more or less, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the 3.047 acre parcel of property, set forth on Petitioner's Exhibit 1 as Lot 2, as a building lot be and is hereby GRANTED in that there already exists a brick rancher dwelling on that parcel; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a building lot on the 4.131 acre parcel of property, set forth on Petitioner's Exhibit 1 as Lot 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the non-density transfer of 2.3752 acres, more or less, also known as Parcel C, for agricultural purposes only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner's Office for inclusion in the case file.

IT IS FURTHER ORDERED that the Petitioners' request for a non-density transfer of the 4.1305 acre parcel, more or less, to their 150-acre farm, pursuant to their written request dated August 8, 1991, be and is hereby DENIED; and

IT IS FURTHER ORDERED that Petitioners shall reconvey said 4.1305 acres back to Lot 2, which contains the original farm house, thereby creating a single parcel of land containing 7.1775 acres total, more or less.

THOMAS M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TWK:bjs

PETITION FOR SPECIAL HEARING  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-405-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the subdivision of Petitioner's lot containing 9.553 acres, more or less, zoned R.C.-2, into two building lots containing 3.0472 acres, more or less, and 4.1305 acres, more or less, and to approve one non-density transfer of 2.3752 acres, more or less for agricultural purposes, as being in compliance with R.C.-2 Section 1A01.3.B.1

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Joseph M. O'Neill  
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Robert A. Hoffman

Signature

Address

City and State

Attorney's Telephone No.:

(301) 823-4111

Legal Owner(s):

Joseph M. O'Neill

(Type or Print Name)

Signature

Mary Anne O'Neill

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Robert A. Hoffman, Esquire

Address

City and State

Attorney's Telephone No.:

(301) 823-4111

ORDERED By The Zoning Commissioner of Baltimore County, this 24 day of April, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11 day of June, 1991, at 10 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
Date 6/1/91  
By [Signature]

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date 6/1/91

PUBLIC HEARING FEES

QTY	PRICE
040 -SPECIAL HEARING (OTHER)	1 X \$175.00
TOTAL: \$175.00	

LAST NAME OF OWNER: ONEILL

Please Make Checks Payable To: Baltimore County 0404127PH04-02-91 \$175.00

receipt

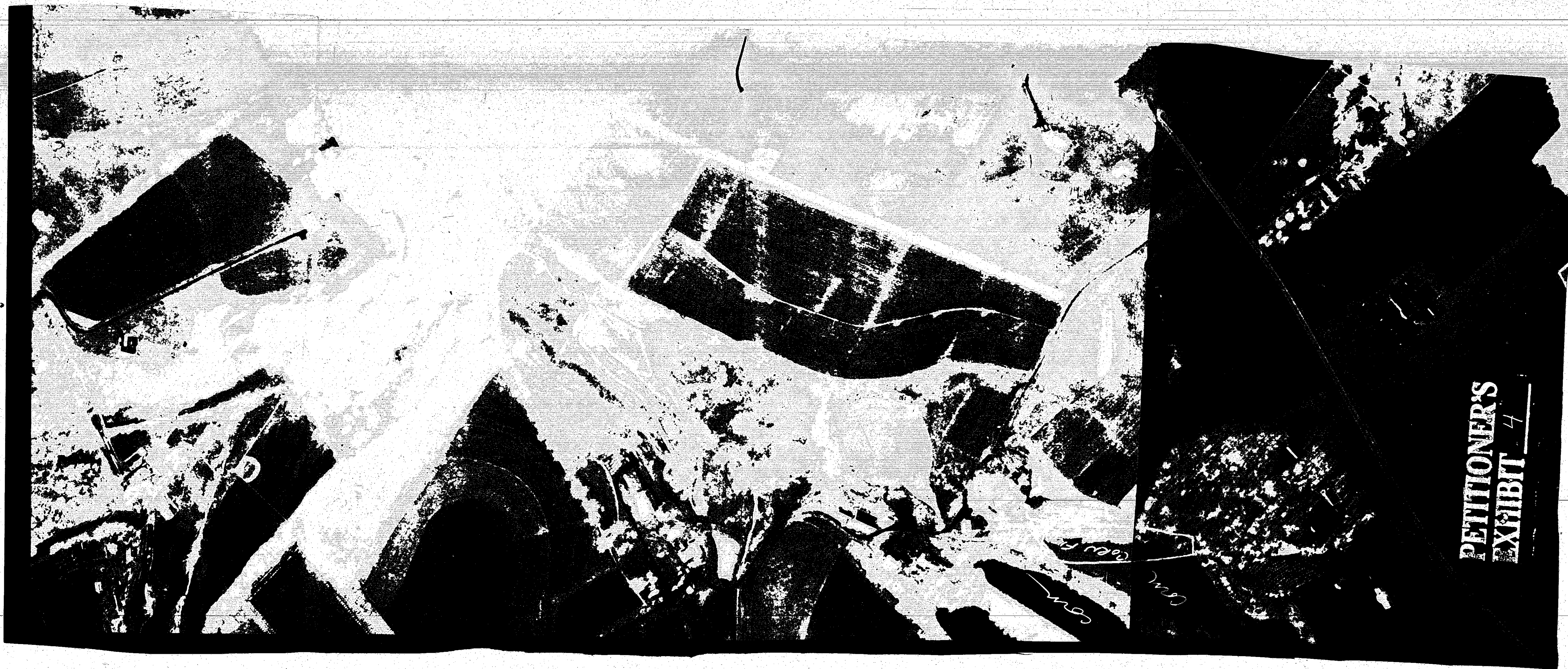
Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date

Please Make Checks Payable To: Baltimore County





PETITIONER'S  
EXHIBIT 4





REVISED PLANS

6-4-91

#379

91-405-SPH

Joseph W. Shaw  
PROFESSIONAL LAND SURVEYOR  
P.S.L.S.—FELLOW A.C.S.M.—N.S.P.S.  
47 West Pennsylvania Avenue  
STEWARTSTOWN, PA 17363  
Phone: (717) 963-2102

Joseph W. Shaw  
PROFESSIONAL LAND SURVEYOR  
P.S.L.S.—FELLOW A.C.S.M.—N.S.P.S.  
47 West Pennsylvania Avenue  
STEWARTSTOWN, PA 17363  
Phone: (717) 963-2102

91-405-SPH

MARCH 21, 1991

DESCRIPTION OF TRACT OF LAND - O'NEILL FROM BEDGAR ESTATE,  
SIXTH DISTRICT OF BALTIMORE COUNTY, MARYLAND.

BEGINNING for the same at a point on the northwest side of  
Freeland Road as widened and laid out on a Plat entitled Section  
One, Spring Valley Farms, which Plat is recorded among the Land  
Records of Baltimore County in Plat Book 40, folio 28, said point  
being on the second or N 57°11'05"E, 294.36 foot line of a deed  
dated May 6, 1985 from Thomas Graziano to Jerome Graziano and wife  
and being recorded among the Land Records of Baltimore County in  
Liber E.H.K.Jr. No. 6929, folio 001 and being S 57°11'05"W, 5.00'  
from the end of said course; thence by lines of division the  
following six courses, viz:

(1) N 29°39'25"W, 529.05',  
(2) N 52°06'53"W, 186.43',  
(3) N 55°00'00"W, 61.35',  
(4) S 66°12'59"W, 258.86',  
(5) S 31°08'40"E, 52.90' to the end of the sixth line of aforesaid  
Graziano deed and  
(6) S 66°12'59"W, 753.75' to a point on the thirtieth line of a  
deed dated June 27, 1978 from Lizzetta M. Bedgar to Joseph M.  
O'Neill and Mary Anne O'Neill, his wife, and recorded among the  
Land Records of Baltimore County in Liber E.H.K.Jr. No. 5903,  
folio 317; thence binding reversely on part of the said thirtieth  
line and the twenty-ninth thru the twenty-sixth lines of said deed  
thence five following courses, viz:  
(7) N 10°11'05"E, 720.00',  
(8) N 83°09'52"E, 415.28',  
(9) S 53°30'51"E, 730.58',  
(10) S 32°48'55"E, 503.32' and  
(11) S 12°11'05"W, 35.37'; thence binding on the aforesaid  
northwest side of Freeland Road  
(12) S 57°11'05"W, 40.34' to the place of BEGINNING.

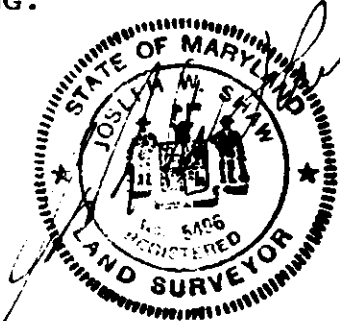
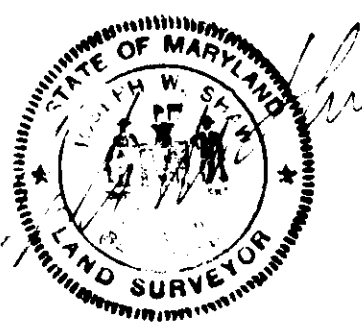
Containing 9.553 acres, more or less.

MAY 28, 1991

ZONING DESCRIPTION  
O'NEILL FROM BEDGAR ESTATE  
SIXTH DISTRICT, BALTIMORE CO., MARYLAND

Beginning at a point North 29°39'25"West, 35.00' from a point in  
the centerline of Freeland Road, which is seventy (70) feet wide,  
at the distance of 2750 feet northeast of the centerline of the  
nearest improved intersecting street, Middletown Road, which is  
seventy (70) feet wide. thence the following courses and  
distances:

N 29°39'25"W, 529.05',  
N 52°06'53"W, 186.43',  
N 55°00'00"W, 61.35',  
S 66°12'59"W, 258.86',  
S 31°08'40"E, 52.90',  
S 66°12'59"W, 753.75',  
N 10°11'05"E, 720.00',  
N 83°09'52"E, 415.28',  
S 53°30'51"E, 730.58',  
S 32°48'55"E, 503.32',  
S 12°11'05"W, 35.36' and  
S 57°11'05"W, 40.34' to the place of beginning as recorded in Deed  
Liber 6828, Folio 201 and containing 9.553 acres of land.



1379

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegheny Ave
Paul Rieger	210 Allegheny Ave
Mary O'Neill	20519 Freeland Mill Rd
Mary Anne O'Neill	Freeland, MD 21053

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Thomas Graziano	2112 New Freedom Rd
Thomas C. Bedgar	Freeland, Md. 21053
Jeffrey H. Gray	3217 Mt Carmel Rd
Anthony M. O'Neill	Upper Marlboro, Md. 20755
Paul Rieger, Jr.	
Charles W. Howard	

O'NEILL-SPECIAL HEARING  
CHRONOLOGY

October 5, 1976: Lizzetta M. Bedgar subdivides property (Spring Valley Farms and Kenney Mill Woods subdivisions) and established Tract "A", 21.7310 acres, as a lot of record.

1977: Last Will and Testament of Lizzetta M. Bedgar devised Tract "A" into three separate parcels.

November, 1979: RC-2 zoning regulations enacted.

January 29, 1984: Lizzetta M. Bedgar dies, vesting title in H. Anthony Mueller, Personal Representative.

November 30, 1984: Conveyance by personal representative, subdividing Tract "A", as follows: (A) Liber 6228, folio 201, 9.554 acres (2034 Freeland Road) to August A. Bedgar, (B) Liber 6828, folio 204, 6.294 acres to Thomas Clifton Bedgar, (C) Liber 6828, folio 207, 5.883 acres to Thomas Graziano.

November 9, 1985: August A. Bedgar dies vesting title in H. Anthony Mueller, Personal Representative.

July 31, 1986: Thomas Graziano and wife, exchange of parcels with H. Anthony Mueller, Personal Representative of August A. Bedgar, exchanging two .3268 parcels for correcting driveway location, Liber 7242, folio 141 and folio 144.

July 31, 1986: Conveyance by H. Anthony Mueller, Personal Representative of August A. Bedgar to Joseph M. O'Neill and Marianne O'Neill, his wife: (A) Liber 7242, folio 147, 4.1305 acres, (B) Liber 7242, folio 151, 2.3752 acres, (C) Liber 7242, folio 154, 3.047 acres.

April 22, 1987: Petition of Thomas Graziano and wife and Thomas C. Bedgar for special hearing to approve building permit.

July 8, 1987: Order of Zoning Commissioner - petition denied.

August 8, 1987: Order of Appeal to County Board of Appeals.

March 1, 1989: Order of Board granting Petition for Special Hearing with stipulation.

PETITIONER'S  
EXHIBIT 3

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
BALTIMORE, MD  
WASHINGTON, D.C.  
HAGERSTOWN, MD  
ROCKVILLE, MD  
BETHESDA, MD  
1301 823-4111  
FAX 1301 823-0147

August 8, 1991

WRITER'S DIRECT NUMBER IS  
301 494-9177

Mr. Timothy N. Kotroco  
Deputy Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 91-405-SPH, Joseph M. O'Neill and wife, Petitioners

Dear Mr. Kotroco:

On behalf of Mr. and Mrs. Joseph M. O'Neill, it is respectfully requested that should you rule that the 4.1305 acre parcel does not have the required density for a building permit, that the parcel be transferred, (along with the 2.3752 acre parcel) to the O'Neill farm (containing 150.756 acres of land, more or less), as an additional non-density transfer, with appropriate deed restrictions for agricultural or open space use delineated below.

Mr. O'Neill informed me that the parcel has been actively farmed since he acquired the same in July of 1986. He also asked that I forward the enclosed photographs indicating that parcel's current agricultural status.

The O'Neills have also agreed that if the parcel were to become part of the O'Neill farm, a restrictive covenant could be placed in the deed as follows:

"Subject to the following restriction which shall run with and bind the land herein described: the property shall be used for agricultural and/or open space purposes only, for so long as the property is zoned RC-2. However, this covenant shall not preclude the use of said property, or

Mr. Timothy N. Kotroco  
August 8, 1991  
Page 2

any portion thereof, in accordance with the terms of any easement program of the Maryland Agricultural Land Preservation Foundation and/or the Maryland Environmental Trust into which said property may be placed.

Thanks for your time and consideration.

Very truly yours,

J. Paul Rieger, Jr.  
J. Paul Rieger, Jr.

JPR:ekm  
enclosure

cc: People's Counsel  
Jeffrey H. Gray, Esq.  
Mr. and Mrs. Joseph M. O'Neill  
Robert A. Hoffman, Esq.

PETITIONER'S  
EXHIBIT 5 A, B

PETITIONER'S  
EXHIBIT 5 C, D



PETITIONERS  
EXHIBIT - 6

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
N/S Freeland Rd., 2048' NEly  
Middletown Rd. (#2034 Freeland  
Rd.), 6th Election District,  
3rd Councilmanic District : OF BALTIMORE COUNTY  
JOSEPH M. O'NEILL, et ux,  
Petitioners : Case No. 91-405-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
887-2188

I HEREBY CERTIFY that on this 18th day of June, 1991, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Ave., P.O. Box 5517, Towson, MD 21204.

Peter Max Zimmerman  
Peter Max Zimmerman

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

September 10, 1991

Robert A. Hoffman, Esquire  
Paul Rieger, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
N/S Freeland Road, 2,048' NE of Middletown Road  
(2034 Freeland Road)  
6th Election District - 3rd Councilmanic District  
Joseph M. O'Neill, et ux - Petitioners  
Case No. 91-405-SPH

Dear Messrs. Hoffman & Rieger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Jeffrey H. Gray, Esquire  
P.O. Box 51, 17000 York Road, Monkton, Md. 21111-0051  
People's Counsel  
File

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

September 10, 1991

Robert A. Hoffman, Esquire  
Paul Rieger, Esquire  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
N/S Freeland Road, 2,048' NE of Middletown Road  
(2034 Freeland Road)  
6th Election District - 3rd Councilmanic District  
Joseph M. O'Neill, et ux - Petitioners  
Case No. 91-405-SPH

Dear Messrs. Hoffman & Rieger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Jeffrey H. Gray, Esquire  
P.O. Box 51, 17000 York Road, Monkton, Md. 21111-0051  
People's Counsel  
File

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: June 5, 1991  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Joseph M. O'Neill, Item No. 379

In accordance with the record of Case No. 87-478-SPH, an analysis of the record indicates that the Begar property of 21.7 acres was to be subdivided by will into three lots on or about 1976. One portion was to go to Mrs. Begar's grandson, a second to Mr. Graziano, and the third was applied to the existing dwelling.

In 1979, the R.C.2 regulations were changed. The new regulations allowed for subdivision of the 21.7 acres into only two parcels.

Upon Mrs. Begar's death the estate was divided in accordance with the will. When Mr. Graziano applied for a building permit it was denied because density would have exceeded the permitted two lots. Subsequent to the denial of the building permit, Mr. Graziano filed a Petition for Special Hearing. In that case, the Board of Appeals ultimately reversed the Zoning Commissioner's ruling that would have exempted this property from the R.C.2 zoning requirements. Consequently, the Board recommended that the appropriate relief would be through a documented site plan and rezoning.

Heeding the advice of the Board, Mr. Graziano filed a Petition for Reclassification which was accompanied by a documented site plan. This request was granted and only provided for one building lot. This resolved the conflict between the intent of the will and the fact that the R.C.2 zoning regulations were revised in 1979.

For this reason, no grounds exist for the petitioner's claim for additional density. In fact, the potential for such a claim is one of the reasons that a documented plan was recommended and approved for only one lot.

PETITIONER'S  
EXHIBIT - 7

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 4, 1991

Robert A. Hoffman, Esq.  
210 Allegheny Avenue  
Towson, Maryland 21204

Re: Case Number(s): 91-405-SPH  
Petitioner(s): Joseph M. O'Neill, et ux Location: 2034 Freeland Road

Dear Mr. Hoffman:

Confirming our telephone conversation, the above matter, previously set to be heard on June 11, 1991, has been postponed and rescheduled for WEDNESDAY, JULY 17, 1991 at 10:00 a.m.

Very truly yours,

G. G. Stephens  
(301)887-3391

cc: Joseph M. O'Neill, et ux

File

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 5/23/91

Joseph M. and Mary Anne O'Neill  
214 W. Carmel Road  
Parkton, Maryland 21121

RE: Case Number: 91-405-SPH  
N/S Freeland Road, 2048' NEly Middletown Road  
2034 Freeland Road  
6th Election District - 3rd Councilmanic  
Petitioner(s): Joseph M. O'Neill, et ux  
HEARING: TUESDAY, JUNE 11, 1991 at 10:00 a.m.

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

1/1 receipt

Account: R001-6150  
Number

CERTIFICATE OF PUBLICATION

TOWSON, MD. 5-19-1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 5-16-1991.

TOWSON TIMES,

Publisher

889.91

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 100 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case Number: 91-405-SPH  
N/S Freeland Road, 2048' NEly Middletown Road  
2034 Freeland Road  
6th Election District  
3rd Councilmanic  
Petitioner(s): Joseph M. O'Neill, et ux  
Hearing Date: Tuesday, June 11, 1991 at 10:00 a.m.  
Special Hearing: To approve the subdivision of Petitioner's Lot containing 3.0472 acres, more or less, and 4.1305 acres, more or less, and to approve any non-density transfer of 2.3752 acres, more or less, for agriculture purposes.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TT:35177 May 19

Baltimore County Government  
Zoning Commission  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21201

887-3353

May 6, 1991

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of the Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-405-SPH  
N/S Freeland Road, 2048' NELY Middletown Road  
2034 Freeland Road  
6th Election District - 3rd Councilmanic  
Petitioner(s): Joseph M. O'Neill, et al  
HEARING: TUESDAY, JUNE 11, 1991 at 10:00 a.m.

Special Hearing to approve the subdivision of Petitioner's lot containing 3.0472 acres, more or less, and 4.1305 acres, more or less, and to approve one non-density transfer of 2.3752 acres, more or less, for agriculture purposes.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Robert A. Hoffman, Esq.  
Joseph M. O'Neill

Baltimore County Government  
Zoning Commission  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

91-405-SPH 887-3353

April 9, 1991

Joseph M. O'Neill  
Mary Anne O'Neill  
214 Mt. Carmel Road  
Parkton, MD 21121

RE: Petition Filed in Zoning Office  
Item Number 379

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Special Hearing has not been placed on the agenda for the week of April 16, 1991. According to our records, this Petition was filed on April 2, 1991 with Catherine A. Milton.

In order for this Petition to be placed on the next agenda, you must contact Catherine Milton at 887-3391 to rectify the problem.

Very truly yours,

*J. Robert Haines*

J. Robert Haines  
Zoning Commissioner

JRH:scj

cc: Robert A. Hoffman, Esquire  
Venable, Baetjer and Howard  
210 Allegheny Avenue  
P.O. Box 5517  
Towson, MD 21204

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD  
WASHINGTON, D. C.  
MCLEAN, VA  
ROCKVILLE, MD  
BETHESDA, MD

210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21205-5517

(301) 823-4111  
FAX (301) 821-0147

April 2, 1991

WRITER'S DIRECT NUMBER IS  
301 494-9177

91-405-SPH

Mr. James E. Dyer, Zoning Administration  
Office of Planning and Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Special Hearing, Subdivision in the R.C.-2  
Zone, Joseph M. and Mary Anne O'Neill

Dear Mr. Dyer:

I have enclosed the following for your review in accordance with your discussions with Robert A. Hoffman of our office on Monday, April 1, 1991:

- three copies of the Petition for Special Hearing,
- three copies of the legal description, and
- twelve copies of the plat indicating the subject parcels.

Please note that the plats have been submitted for filing purposes only and that updated and sealed plats will be submitted to take the place of the enclosed plats.

I understand that, having filed the enclosed Petition, your office will now release the Final Development Plan for Mr. O'Neill's Steeplechase subdivision.

I 379

Mr. James E. Dyer, Zoning Administration  
April 2, 1991  
Page 2

91-405-SPH

Thanks again for your assistance in this matter and please do not hesitate to call if I can be of any further assistance.

Very truly yours,

*J. Paul Rieger, Jr.*

JPR:ekm  
enclosures  
cc: Robert A. Hoffman, Esq.  
Mr. and Mrs. Joseph M. O'Neill

I 379

PETITION CHECKLIST

91-405-SPH

Before the above petition can be accepted for filing, the following items must be corrected/included:

- Item number must be on all papers in the file folder.
- Item number must be in ink (pencil does not copy well).
- Item number generated by computer (on receipt) is not the same as item number on material in folder and/or pink sheet.
- Section information missing on petition forms.
- Not "original" signatures on all copies of petition forms.
- Owner's name address and/or telephone number is not on petition forms.
- Need signature and/or printed name and/or title of person signing for company.
- Need an attorney.
- "Red stamp" or closing information is not on petition form.
- Following information is missing on the file folder:
  - Petitioner's name
  - Item number
  - Description
  - Actual address
  - zoning
  - acreage
  - election district
  - councilmanic district
- Need 12 plats. Only \_\_\_ in folder.
- Plats need to be folded to 8-1/2" x 11".
- There is a difference in date between date taken in and date put in drawer for agenda. Put a note in the folder explaining this.
- Need 200 scale zoning map.
- Need vicinity map on plat.

and change them if necessary... so they get set  
and change them Revision for Off

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD  
WASHINGTON, D. C.  
MCLEAN, VA  
ROCKVILLE, MD  
BETHESDA, MD

210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21205-5517

(301) 823-4111  
FAX (301) 821-0147

December 11, 1991

WRITER'S DIRECT NUMBER IS  
494-9177

Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner for  
Baltimore County  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 91-405-SPH, Petition for Special Hearing,  
Joseph M. O'Neill and wife

Dear Mr. Kotroco:

Pursuant to your Order of September 10, 1991 (paragraph numbered 1 on page five and the second paragraph on page 6 of said Order), I have enclosed copies of the recorded Deeds which fulfill the requirements of the Order, for inclusion in the case file.

Thanks again for your assistance and please do not hesitate to call if you have any questions on the enclosed Deeds.

Very truly yours,

*J. Paul Rieger, Jr.*

JPR:ekm  
enclosure  
cc: Mr. and Mrs. Joseph M. O'Neill

RECEIVED  
DEC 12 1991

ZONING OFFICE

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD  
WASHINGTON, D. C.  
MCLEAN, VA  
ROCKVILLE, MD  
BETHESDA, MD

210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21205-5517

(301) 823-4111  
FAX (301) 821-0147

November 12, 1991

WRITER'S DIRECT NUMBER IS  
494-9177

Mr. Timothy M. Kotroco  
Deputy Zoning Commissioner for  
Baltimore County  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 91-405-SPH, Petition for Special Hearing,  
Joseph M. O'Neill and wife

Dear Mr. Kotroco:

Pursuant to your Order dated September 10, 1991, I have enclosed a Deed from Mr. and Mrs. O'Neill to Mr. and Mrs. O'Neill conveying the 2.3752 acre non-density transfer, subject to the agricultural restriction.

As you will note, in the first full paragraph on page 2, the agricultural use restriction is to remain effective for so long as the property is zoned R.C.-2 (or any successor zoning category fostering agricultural use). Also, the restriction would not prevent the use of the property in accordance with any agricultural easement program into which the parcel may be placed in the future. If the above is satisfactory, I would appreciate your initialing next to that paragraph.

I will also forward to you the recorded Deed re-combining the 3.0472 and 4.1305 acre parcels, pursuant to the Zoning Order in the above-referenced case.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 10, 1991

Mr. Jeffrey H. Gray  
P.O. Box 51  
17000 York Road  
Monkton, MD 21111

RE: VERIFICATION OF DENSITY -  
Building Rights for  
Thomas C. Bedgar  
Lot Liber 6828, Folio 204  
5.294 acres  
Zoning Case No. 91-405-SPH  
6th Election District

Dear Mr. Gray:

Your letter of December 4, 1991 requests verification of density for the above referenced Bedgar parcel. Please be advised that the Deputy Zoning Commissioner's Order Case No. 91-405-SPH clearly indicates that said parcel is entitled to the one (1) remaining density unit (resulting from Lizzetta M. Bedgar's original subdivision of Tract A containing 21.7310 acres.)

Subject to compliance with all other height and area requirements, this office will approve a building permit application for Thomas Bedgar's Lot.

It is my understanding that the requirements of said Order regarding the recombining of the two (2) O'Neill lots into one (1) lot containing the original Bedgar farmhouse has been complied with.

If you have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Zoning Supervisor

JED:cer

and being in the same election district as the property of Maryland and described in Exhibit "A" attached hereto and expressly made a part hereof.

and being in the same election district as the property of Maryland and described in Deeds dated July 31, 1986 and recorded among the Land Records of Baltimore County, respectively, in Liber E.H.K., Jr. No. 7242, folio 147 and Liber E.H.K., Jr. No. 7242, folio 154 from H. Anthony Mueller, Personal

RECEIVED FOR THE  
State Department of  
Assessments & Taxation  
for Baltimore County

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE

SIGNATURE

RECEIVED FOR THE

State Department of

Assessments & Taxation

for Baltimore County

Date 1/27/91

Page 1 of 1

6-11 91-405-SPH

Baltimore County Government  
Department of Public Works  
Bureau of Traffic Engineering



401 Bosley Avenue Suite 405  
Towson, MD 21204

887-3554  
Fax 887-5784

May 14, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

A.Z.C. Meeting Date: April 23, 1991

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 356, 377, 379, 382, 386, 388, 389, 390 and 391.

Very truly yours,

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lab

*June 11/91*

91-405-μ

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

(301) 887-4500

JUNE 18, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: REVISED DESCRIPTIONS AND PLANS WERE RECEIVED FOR ITEM #379 (CASE #91-405-SPH) ON 6/4/91.

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Noted and Approved*  
Planning Group  
Special Inspection Division

JK/KEK

91-405-A

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 19, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for June 18, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 468, 470, 473 and 475.

For Items 458 and 460 the previous County Review Group comments still apply.

For Item 379 (#91-405-SPH), the site must be submitted through the minor subdivision process for review and comments.

For Item 472, as of this date, the proposed 8-inch sanitary sewer has not gone to contract.

*Robert W. Bowling*  
Robert W. Bowling, P.E., Chief,  
Developers Engineering Division

RWB:s

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

May 24, 1991

887-3353

Robert A. Hoffman, Esquire  
Venable, Baetjer and Howard  
210 Allegheny Avenue  
P.O. Box 5517  
Towson, MD 21204

RE: Item No. 379, Case No. 91-405-SPH  
Petitioner: Joseph M. O'Neill, et ux  
Petition for Special Hearing

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

*Very truly yours,*  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Joseph M. O'Neill  
214 Mt. Carmel Road  
Parkton, MD 21121

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 24th day of April, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Joseph M. O'Neill, et ux  
Petitioner's Attorney: Robert A. Hoffman

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

(301) 887-4500

APRIL 24, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOSEPH M. O'NEILL

Location: #2034 FREELAND ROAD

Item No.: 379 Zoning Agenda: APRIL 23, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Noted and Approved*  
Planning Group  
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 26, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting  
for April 23, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 356, 377, 382, 386, 388, 389, 390 and 391.

For Item 379, this site must be submitted through the minor subdivision process for review and comments.

*Dennis A. Kennedy*  
Dennis A. Kennedy, P.E., Acting Chief,  
Developers Engineering Division

DAK:s

**received**  
5/9/91

Standard Contract of Sale

This is a Legally Binding Contract; If Not Understood, Seek Competent Advice.

This Agreement of Sale, made this 12 day of JANUARY, 1991, between SEYMOUR M. O'NEILL, Personal Representative of the Estate of August W. Bedgar, deceased, Seller, and JOSEPH M. O'NEILL and MARY ANNE O'NEILL, his wife, Buyer.

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in the Sixth Election District of Baltimore County, Maryland, containing 9.554 acres, more or less, with the improvements thereon known as No. 2034 Freeland Road, in fee simple.

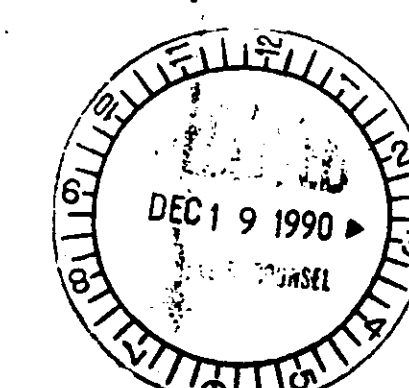
For title see Deed dated November 30, 1984, recorded among the Land Records of Baltimore County in Liber R.R.X.II, No. 6828 Folio 201, from H. Anthony Mueller, Personal Representative of the Estate of Lizzetta M. Bedgar, deceased, to August W. Bedgar.

at and for the price of ONE HUNDRED TWENTY FIVE THOUSAND Dollars (\$ 125,000.00)

of which Five Thousand Dollars (\$ 5,000.00)

have been paid prior to the signing hereof, and the balance to be paid as follows:

In cash on or before ninety (90) days from the date hereof, at which time possession will be given.



Warranty  
Deed  
Title to the property shall be good and merchantable, free of liens and encumbrances except as specified herein and except the use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the sub-division in which the property is located, and public record encumbrances for public utilities and any other encumbrances which may be observed by an inspection of the property.

Adjustments  
General and special taxes and all other public or governmental charges or assessments against the premises which are or may be payable on an annual basis (including Metropolitan District, Sanitary Commission or other benefit charges, assessments, taxes or encumbrances for water, sewer, drainage or other public improvements completed or commenced on or prior to the date hereof, or subsequent thereto), are to be adjusted and apportioned as of the date of settlement and are to be assumed and paid thereafter by Buyer, whether assessments have been levied or not as of date of settlement.

Possession  
Possession of the premises shall be given to Buyer as of date of settlement.

(over)



10.7

BEFORE THE REGISTER OF WILLS FOR BALTIMORE COUNTY

In the Estate of: AUGUST W. BEDGAR

Date of Death: November 9, 1985

Estate No. 58046

Date: March 1986

# SUPPLEMENTAL INVENTORY

WARRANT TO APPRAISE:

This is to authorize you to appraise the various assets of AUGUST W. BEDGAR deceased, for their fair market value late of Baltimore County, Maryland

DATE: TEST: Register of Wills

Schedule	Type of Property	Appraised Value
A	Real	\$ 125,000.00
B	Tangible Personal	\$ -0-
C	Corporate Stocks	\$ -0-
D	Bonds, Notes, Mortgages, Debts due to the Decedent	\$ -0-
E	Bank Accounts, Savings and Loan Accounts	\$ -0-
F	All other interests	\$ -0-
	Total	\$ 125,000.00

This Personal Representative solemnly declares and affirms under the penalties of perjury that the contents of this inventory are true and correct to the best of his knowledge, information and belief.

Personal Representative: H. Anthony Mueller

Personal Representative

Attorney for Estate:

ROYSTON, MUELLER, McLEAN & REID

102 West Pennsylvania Avenue

Towson, MD 21204-4575

Phone No. 301-823-1800

\*(If the personal representative is authorized to appraise any of the property, he shall sign the appraiser's certificate.)

SUPPLEMENTAL Inventory of Estate of AUGUST W. BEDGAR

Estate No. 58046

SCHEDULE A

Item No. Description

1 All that lot of ground containing 9.554 acres, more or less, in the 6th District of Baltimore County, in fee simple, with improvements thereon known as No. 2034 Freeland Road. \$125,000.00

For title, see Deed dated Nov. 30, 1984, and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 6828 folio 201, from H. Anthony Mueller, Personal Representative of the Estate of Lizzetta M. Bedgar, deceased, to August W. Bedgar.

Value represents sale price as shown on photo copy of Contract of Sale attached hereto.

TOTAL \$ 125,000.00

## APPRAISER'S CERTIFICATE

The appraiser solemnly declares and affirms under the penalties of perjury that on the day of March 1986, he valued impartially the above property of which he has knowledge to the best of his skill and judgment.

Appraiser: H. Anthony Mueller

Personal Representative

102 West Pennsylvania Avenue

Towson, MD 21204-4575

Address

301-823-1800

Phone Number

PURSUANT TO SECTION 7-201 OF THE ESTATES & TRUSTS ARTICLE OF THE ANNOTATED CODE OF MARYLAND:

1. LIST EACH ITEM IN REASONABLY DESCRIPTIVE DETAIL AND INDICATE ITS FAIR MARKET VALUE AS OF THE DATE OF DEATH OF THE DECEDENT.

2. FOR REAL AND LEASEHOLD PROPERTY, GIVE A DESCRIPTION SUFFICIENT TO IDENTIFY THE PROPERTY AND THE TITLE REFERENCE.

No. 18

IN THE MATTER OF : IN THE ORPHANS COURT

THE ESTATE OF : FOR BALTIMORE COUNTY

AUGUST W. BEDGAR, deceased : No. 58046

## PETITION AND ORDER FOR COMMISSIONS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of H. Anthony Mueller, Personal Representative of the Estate of August W. Bedgar, deceased, respectfully represents:

1. That August W. Bedgar died testate on November 9, 1985, and by his Last Will and Testament, which has been duly probated and is now of record in the Office of the Register of Wills for Baltimore County, appointed your Petitioner as Personal Representative. Your Petitioner qualified as such Personal Representative on November 14, 1985.

2. Your Petitioner, as Personal Representative, has performed the following services in connection with the administration of said Estate:

a. Prepared and filed with the Register of Wills the Petition to probate the decedent's Last Will and Testament and the supporting documents.

b. Met with all of the members of the decedent's family at his residence and reviewed the contents of the decedent's Will and explained the necessary steps to be taken in the administration of the Estate.

-1-

ROYSTON, MUELLER, McLEAN & REID

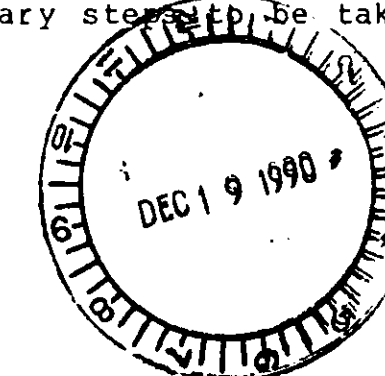
SUITE 600

102 W. PENN. AVE.

TOWSON, MARYLAND

21204-4575

823-1800



receipt

Account: R-001-6150

#379

91-405-SPH

MP101127

REVISED PUBLIC HEARING FEES

110 - REVISIONS (ALL OTHERS)

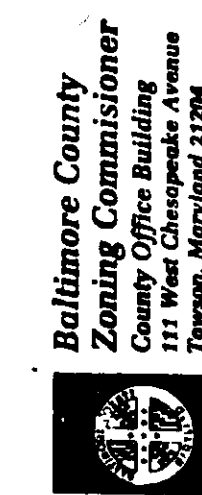
1 X \$75.00

TOTAL: \$75.00

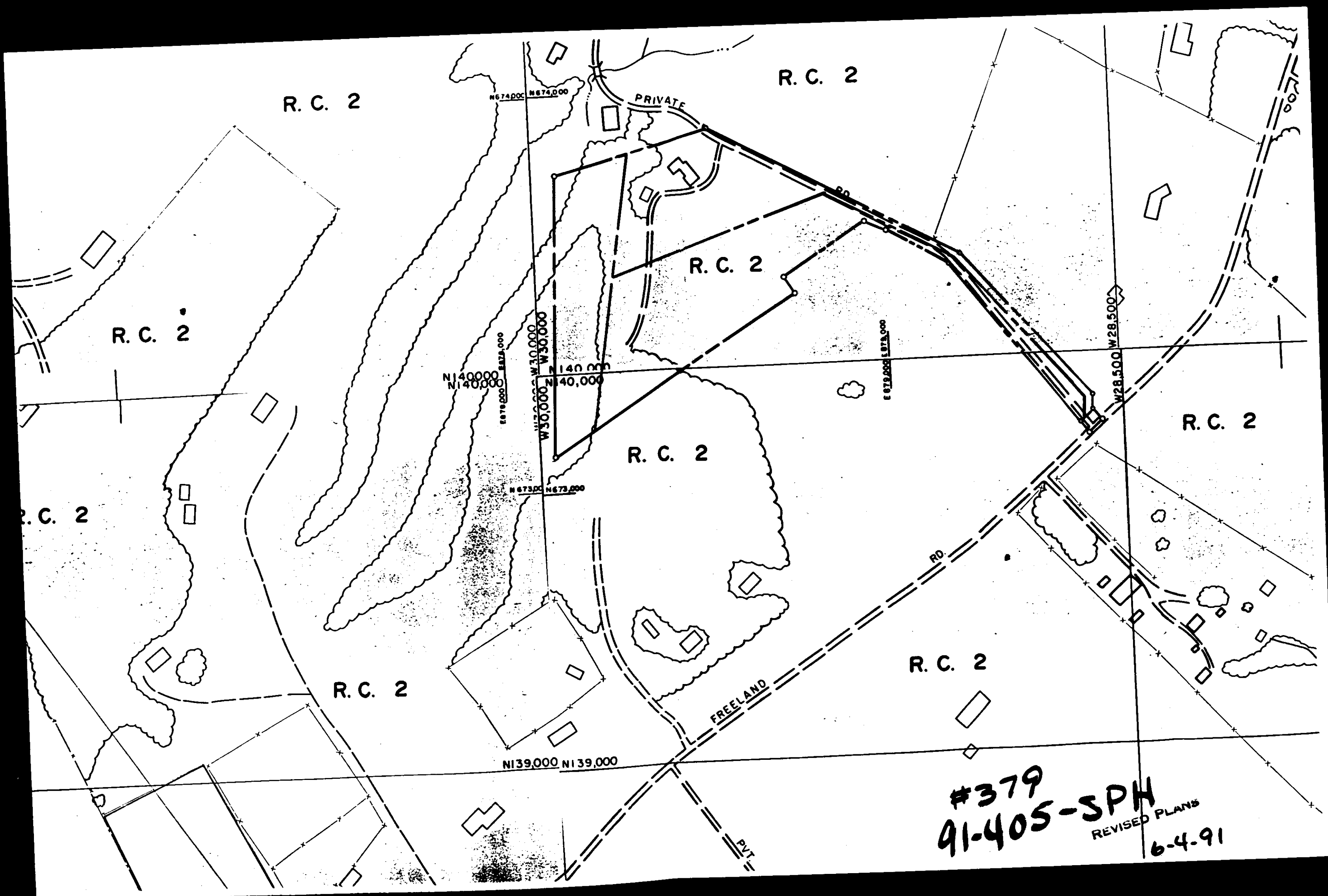
LAST NAME OF OWNER: ONEILL

\$75.00

Please Make Checks Payable To: Baltimore County, MD 21204-09-91



Comptroller



111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

January 9, 1991

Mr. Jeffrey H. Gray

P.O. Box 51

17000 York Road

Monkton, MD 21111-0051

RE: Subdivision of 21 acre Bedgar Parcel

NW/4 of Freeland Road, 3/4 mile NE of

Middletown Road

6th Election District

Gentlemen:

As you are aware, the testate subdivision on November 30, 1984 of the above referenced 21 acres into three (3) building lots (two lots fronting Freeland Road deeded separately to Thomas H. Bedgar and Thomas W. Graziano, leaving one panhandle lot at the rear owned by August T. Bedgar) was ruled illegal by Circuit Court Order i.e. testate subdivisions cannot violate the number of lots permitted by the property's zoning classification.

In order to bring about compliance with the zoning regulations, the Graziano lot was reclassified which brought the remaining two (2) lots previously deeded to Thomas W. Graziano and August W. Bedgar into compliance with the area regulations of the RC-2 zone.

Upon later learning that the rear panhandle lot had actually been deeded to Joseph M. O'Neill as three (3) additional lots, this office withheld approval of a building permit for the Graziano lot.

After a great deal of review and discussion with the principals involved, it has been decided that building permits for the Graziano property will be released subject to no further permits being released on the Thomas H. Bedgar lot or the Joseph M. O'Neill lot(s) until such time as 1) a Special Hearing petition has been filed and adjudicated for the express purpose of determining compliance to the RC-2 area regulations as they relate to the Bedgar/O'Neill lots; or 2) other appropriate action is taken by the County to determine or bring about compliance with said regulations.

Mr. Jeffrey H. Gray

Re: Subdivision of 21 acre Bedgar Parcel

January 9, 1991

Page 2

If you have any further questions concerning the above, please do not hesitate to contact me at 887-3391.

Very truly yours,

JAMES E. DYER

Zoning Supervisor

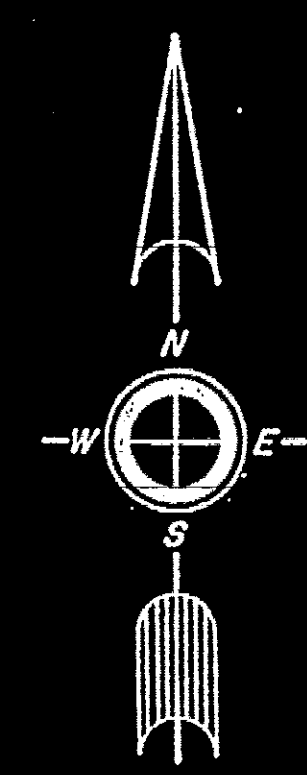
JED:cer

cc: Mr. Joseph M. O'Neill

Mr. Thomas J. Graziano

Mr. Thomas C. Bedgar





- TRACT OUTLINE, 7.553 acres ±
- 2.3752 acres (Non-University Trustee)
- 3.0472 acres
- 4.1308 acres

PARCEL "C"  
2.3752 ACRES

LOT TWO  
3.0472 ACRES

LOT ONE

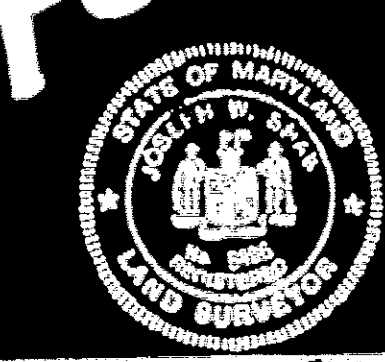
PARCEL "B"  
0.3268 ACRES

PARCEL "A"  
0.3268 ACRES

THOMAS C. BELMONT  
11-3-1784  
1-2-2-2-2-2  
1-2-2-2-2-2

THOMAS GRACIANO  
11-3-1784  
1-2-2-2-2-2  
1-2-2-2-2-2

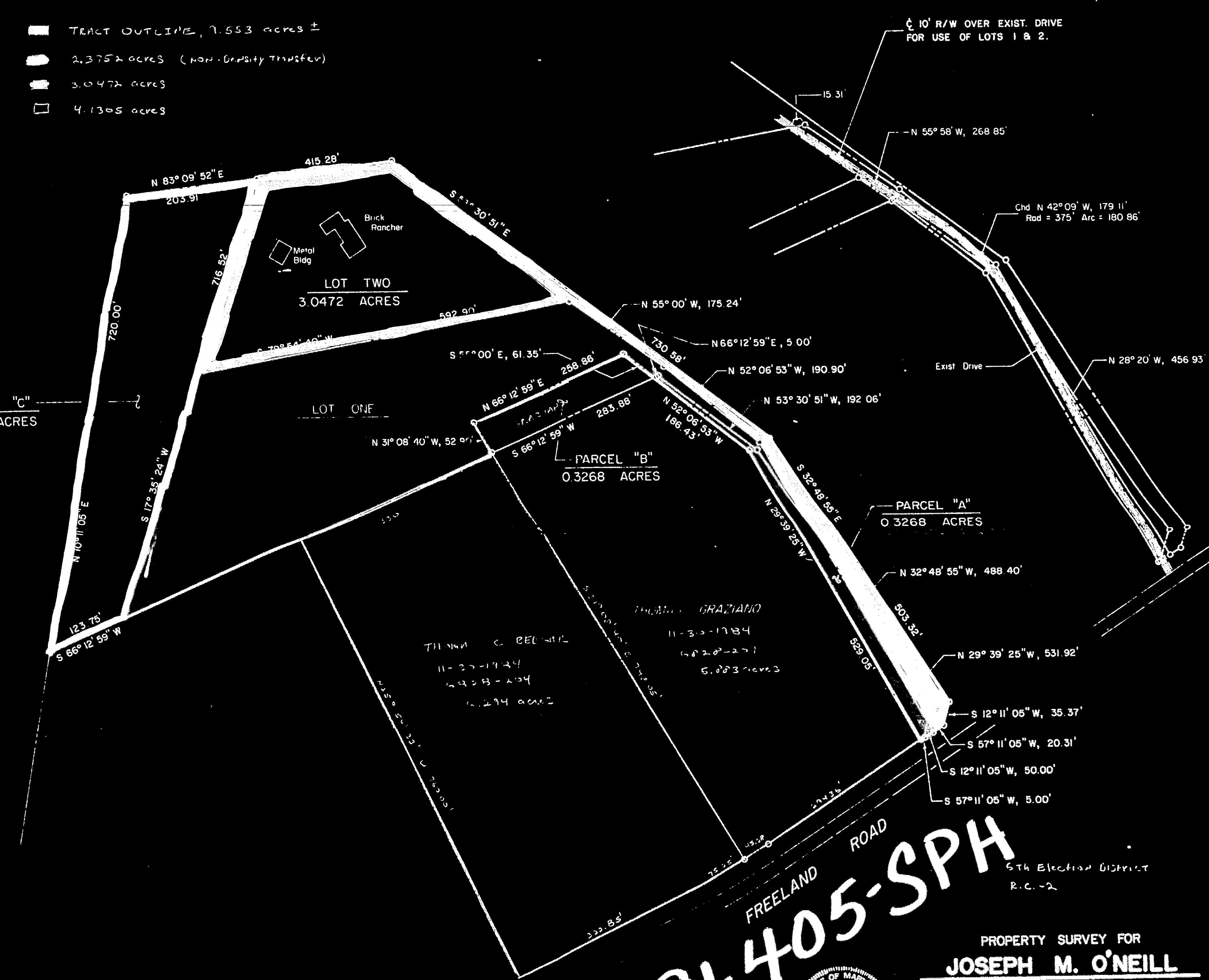
91-405-SPH



PROPERTY SURVEY FOR  
**JOSEPH M. O'NEILL**  
6th DISTRICT, BALTIMORE COUNTY, MD.  
JULY 11, 1986 SCALE 1" = 100'

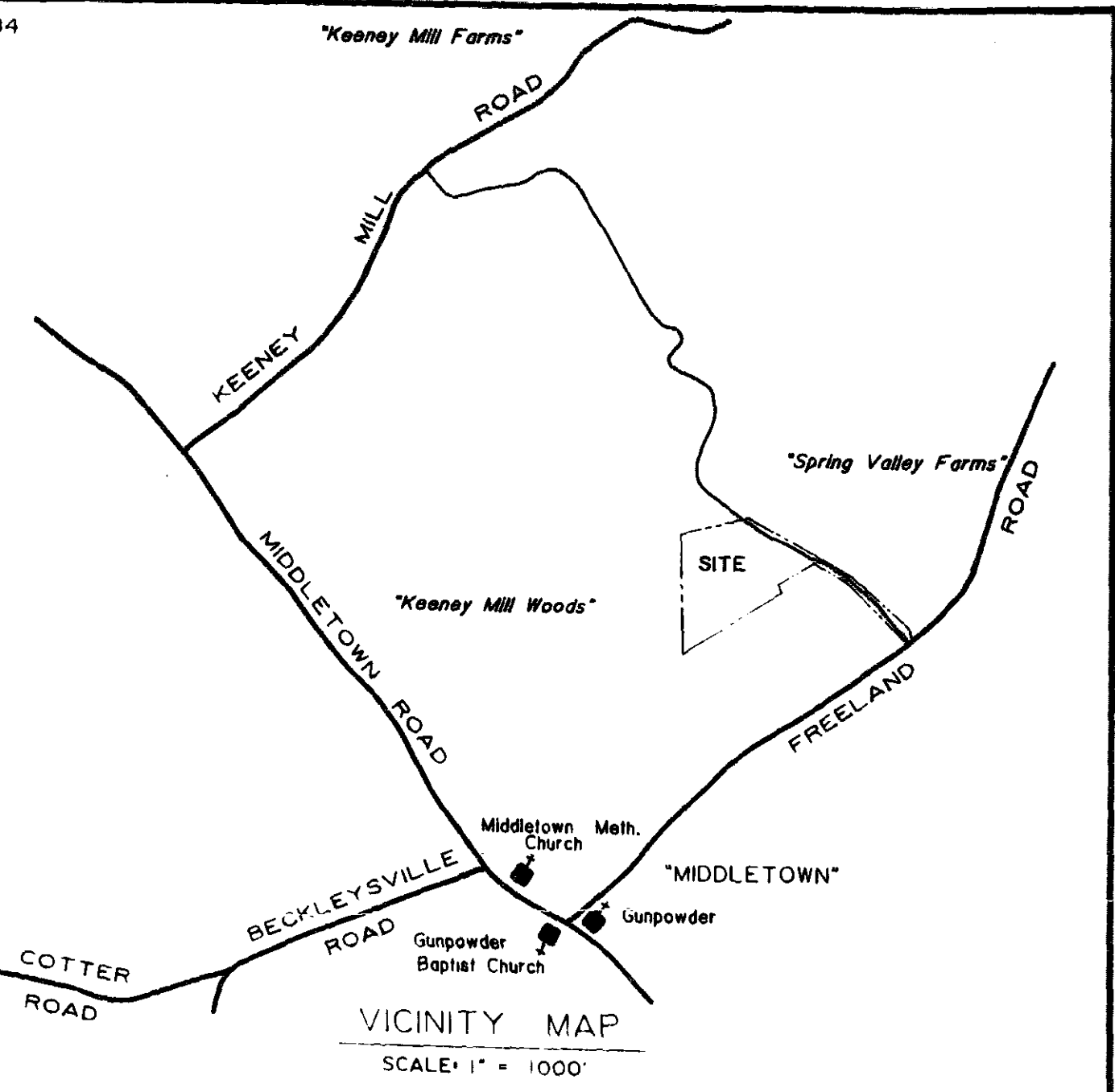
JOSEPH W. SHAW, R.S.  
STEWARTSTOWN, PA.

1379





- Tract Outline of 9.553 Acres - August Bedgar deed Liber 6828 folio 201
- Outline of 0.327 Acres - Bedgar to Graziano - Liber 7242 folio 144
- Outline of 0.327 Acres - Graziano to Bedgar - Liber 7242 folio 141
- Outline of 2.375 Acres - (non-density transfer) - Liber 7242 folio 151
- Outline of 3.047 Acres - (lot # 2) - Liber 7242 folio 154
- Outline of 4.131 Acres - (lot # 1) - Liber 7242 folio 147
- Centerline of Driveway R/W Agreement - Liber 7242 folio 157



Section One - Plat Two  
"SPRING VALLEY FARMS"  
Δ 40 : 29

Residential Use  
R.C. 2 ZONE

(EXISTING)  
25' Reversible Slope Easement  
(EXISTING)  
20' Drainage & Utility Easement

Prop. 2 Story Colonial with 2 car garage

(EXISTING)  
HIGHWAY WIDENING LINE as shown on Plat 40:28

(EXISTING)  
25' Reversible Slope Easement

21750' is intersection of Middletown Rd. & Freeland Rd.

EXISTING WAC DRIVE

Liber 6828 folio 201

Liber 7242 folio 154

Liber 7242 folio 147

**PETITIONER'S EXHIBIT - 4**

**Setback Requirements**

Any structure must be setback 75' from the centerline of a Street or Road, and setback 35' from all lot lines.

All improvements on Lots 1, 2 and Parcel C have been shown.

NO APPARENT STREAM CROSS LOTS ONE, TWO AND PARCEL "C".

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

**JOSEPH M. & MARY ANNE O'NEILL**

6th ELECTION DISTRICT, BALTIMORE COUNTY, MD.

APRIL 10, 1991

SCALE: 1" = 50'

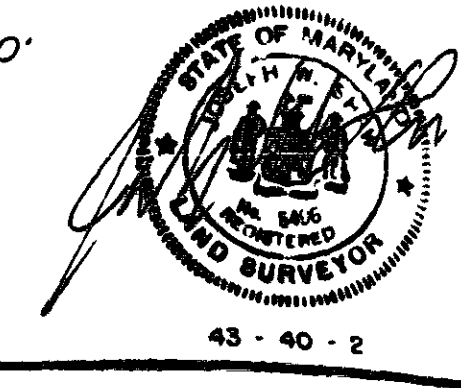
PROPERTY ADDRESS

2034 FREELAND ROAD

FREELAND, MARYLAND 21503

JOSEPH W. SHAW, P.L.S.

STEWARTSTOWN, PA.



3rd COUNTY COUNCIL DISTRICT

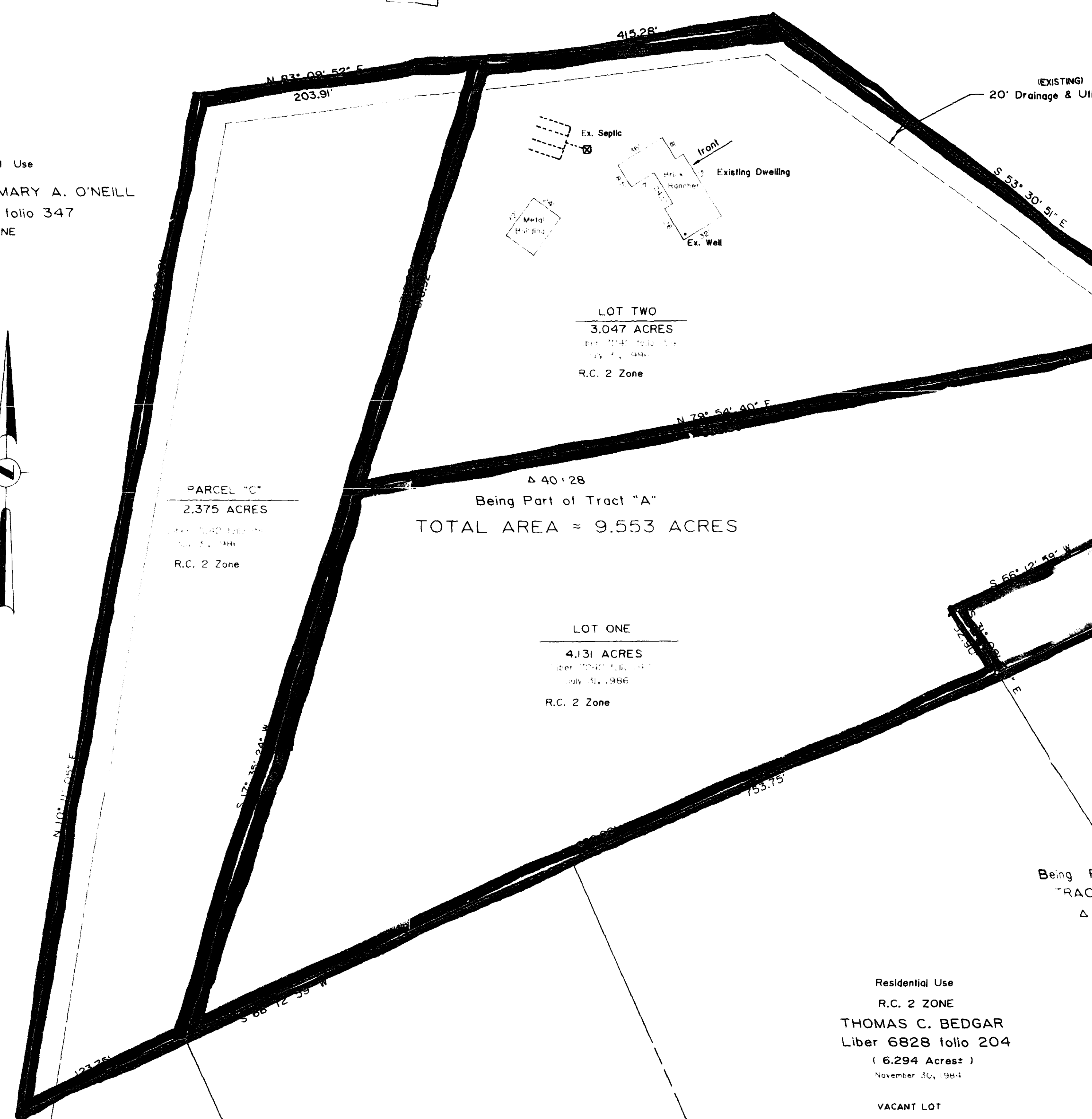
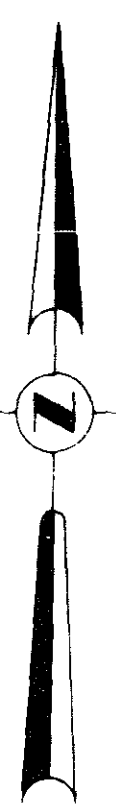
REVISED PLANS  
6-4-91  
#379  
91-405 SPH

Agricultural Use

JOSEPH M. & MARY A. O'NEILL

Liber 5683 folio 347

R.C. 2 ZONE



BLOCK "B"

R.C. 2 ZONE

Section One - Plat One  
"SPRING VALLEY FARMS"  
Δ 40 : 28

Residential Use

House # 2112

House # 2108

Residential Use  
R.C. 2 ZONE

THOMAS C. BEDGAR

Liber 6828 folio 204

( 6.294 Acres )

November 30, 1984

VACANT LOT

Being Part of  
"TRACT "A"  
Δ 40 : 28

BEDGAR ESTATE to GRAZIANO

Liber 7242 folio 144

( 0.327 Acres )

July 5, 1984

GRAZIANO to BEDGAR ESTATE

Liber 7242 folio 141

( 0.327 Acres )

July 5, 1984

Residential Use

\* R.C. 5 ZONE

THOMAS J. GRAZIANO

Liber 6828 folio 207

( 5.883 Acres )

November 30, 1984

\* R.C.-5 - July 25, 1990 until 1992  
Comprehensive Map Process - should  
revert back to R.C.-2

R-90-172  
87-478 SPH  
88 C.G. 1510 (Circuit Court Baltimore County)